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October 14, 2021

VIA ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

***Re: Lyons v. Amazon.com, Inc., 1:21-cv-03785-LGS & 1:21-cv-03786-LGS
Joint Letter Re Consolidation and Discovery***

Dear Judge Schofield:

Pursuant to Your Honor's October 7, 2021 Order (-3785 Action, Doc. No. 34; -3786 Action, Doc. 24) directing Plaintiff Sara M. Lyons and Defendant Amazon.com, Inc. ("Amazon") to meet and confer on a proposal for the efficient adjudication of the above-referenced cases, the parties jointly submit this proposal in accordance with Your Honor's Order.

The parties agree that for the reasons set forth in the letter requesting a pre-motion conference submitted by counsel for Amazon (-3785 Action, Doc. No. 33; -3786 Action, Doc. 23), that the above-referenced cases, *Lyons v. Amazon.com, Inc.*, 1:21-cv-03785-LGS, and *Lyons v. Amazon.com, Inc.*, 1:21-cv-3786-LGS, should be consolidated pursuant to Federal Rule of Civil Procedure 42(a)(2) for all purposes. The parties agree that common questions of fact and law exist, and that the Court should consolidate these actions to enhance efficiency and expediency, to conserve judicial resources, to avoid the risk of inconsistent outcomes, and because Plaintiff would suffer no prejudice from consolidation.

The only disagreement between the parties on the issue of consolidation is whether Plaintiff should be permitted to pursue two awards of statutory damages – one for each of the above-referenced actions. Plaintiff contends that two statutory damages awards would be permissible following consolidation, while Defendant maintains that multiple statutory damages awards would be impermissible. The parties agree, however, that the Court need not rule on the availability of multiple statutory damages awards in the consolidated action at this time in order to consolidate the actions under Rule 42(a)(2).

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Finally, the parties respectfully request that the Court grant one last extension to complete discovery from November 12, 2021 in the -3785 matter and December 3, 2021 in the -3786 matter to a consolidated date for the close of discovery of January 19, 2022. The parties have been working diligently and cooperatively to address various deficiencies in each side's written discovery and document productions in both matters. However, those negotiations, and the collection and production of additional documents, have required the parties to reschedule depositions originally scheduled for next week. The parties have previously requested one extension of the discovery deadline in the -3785 matter which the Court granted.

Respectfully submitted,

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By: /s/ Jeremy A. Chase

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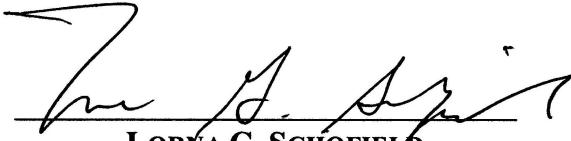
Attorneys for Plaintiff Sara M. Lyons

Application GRANTED. The cases will be consolidated for all purposes under the case name Lyons v. Amazon.com, Inc., et al., No. 21-cv-3785, and all further filings shall be made under that number. Plaintiff shall inform the court by **October 25, 2021**, whether she intends to file a consolidated complaint or proceed by some other means and any authority for doing so. For the avoidance of doubt, the Court reserves judgment on the issue of damages.

The deadline for fact discovery is extended to **January 19, 2022**. No further extensions will be granted absent extraordinary circumstances. A revised case management plan will issue separately.

The Clerk of Court is respectfully directed to close Lyons v. Amazon.com, et al., No. 21-cv-3786.

Dated: October 15, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE